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9 **BEFORE THE**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/09-22

13 **AMIGOS TEST ONLY**  
9712 Jurupa Road, Space C  
14 Riverside, California 92509  
**SAMER G. ZAIT, OWNER**  
15 Automotive Repair Dealer Registration  
No. AC 248720  
16 Smog Check Test Only Station License  
No. TC 248720

**FIRST AMENDED**  
**ACCUSATION**  
  
**[SMOG CHECK]**

17 and  
**HAZIM BASSAM RABADI**  
18 625 W. 48th Street  
San Bernardino, California 92407  
19 Advanced Emission Specialist Technician  
License No. EA 149714,

20 and  
**ELIAS HANNA HANNOUSH**  
21 13260 Running Deer Road  
Moreno Valley, California 92553  
22 Advanced Emission Specialist Technician  
License No. EA 143599

23 Respondents.

24  
25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

27 1. Complainant brings this Accusation solely in her official capacity as the Chief of  
28 the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

1           **Automotive Repair Dealer Registration**

2           2.       On or about January 4, 2006, the Bureau issued Automotive Repair Dealer  
3 Registration Number AC 248720 ("registration") to Samer G. Zait ("Respondent"), doing  
4 business as Amigos Test Only. The registration will expire on December 31, 2008, unless  
5 renewed.

6           **Smog Check Test Only Station License**

7           3.       On or about January 23, 2007, the Bureau issued Smog Check Test Only Station  
8 License Number TC 248720 ("station license") to Respondent Amigos. The station license will  
9 expire on December 31, 2008, unless renewed.

10          **Advanced Emission Specialist Technician License (Rabadi)**

11          4.       On or about October 27, 2004, the Bureau issued Advanced Emission Specialist  
12 Technician License Number EA 149714 ("technician license") to Hazim Bassam Rabadi  
13 ("Respondent Rabadi"). The technician license will expire on January 31, 2009, unless renewed.

14          **Advanced Emission Specialist Technician License (Hannoush)**

15          5.       On a date uncertain in 2001, the Bureau issued Advanced Emission Specialist  
16 Technician License Number EA 143599 ("technician license") to Elias Hanna Hannoush  
17 ("Respondent Hannoush"). The technician license will expire on January 31, 2009, unless  
18 renewed.

19                   **STATUTORY PROVISIONS**

20          6.       Section 490 of the Business & Professions Code (Code) states:

21               (a) In addition to any other action that a board is permitted to take  
22 against a licensee, a board may suspend or revoke a license on the ground  
23 that the licensee has been convicted of a crime, if the crime is substantially  
related to the qualifications, functions, or duties of the business or profession  
for which the license was issued.

24               (b) Notwithstanding any other provision of law, a board may  
25 exercise any authority to discipline a licensee for conviction of a crime that  
26 is independent of the authority granted under subdivision (a) only if the crime  
is substantially related to the qualifications, functions, or duties of the business  
or profession for which the licensee's license was issued.

27               (c) A conviction within the meaning of this section means a plea or  
28 verdict of guilty or a conviction following a plea of nolo contendere. Any action  
that a board is permitted to take following the establishment of a conviction may

1 be taken when the time for appeal has elapsed, or the judgment of conviction has  
2 been affirmed on appeal, or when an order granting probation is made suspending  
3 the imposition of sentence, irrespective of a subsequent order under the provisions  
4 of Section 1203.4 of the Penal Code.

5 (d) The Legislature hereby finds and declares that the application of this  
6 section has been made unclear by the holding in *Petropoulos v. Department of Real*  
7 *Estate* (2006) 142 Cal.App.4th 554, and that the holding in that case has placed a  
8 significant number of statutes and regulations in question, resulting in potential  
9 harm to the consumers of California from licensees who have been convicted of  
10 crimes. Therefore, the Legislature finds and declares that this section establishes an  
11 independent basis for a board to impose discipline upon a licensee, and that the  
12 amendments to this section made by Senate Bill 797 of the 2007 -08 Regular  
13 Session do not constitute a change to, but rather are declaratory of, existing law.

14 7. Section 493 of the Code states:

15 Notwithstanding any other provision of law, in a proceeding conducted  
16 by a board within the department pursuant to law to deny an application for a  
17 license or to suspend or revoke a license or otherwise take disciplinary action  
18 against a person who holds a license, upon the ground that the applicant or the  
19 licensee has been convicted of a crime substantially related to the qualifications,  
20 functions, and duties of the licensee in question, the record of conviction of the  
21 crime shall be conclusive evidence of the fact that the conviction occurred, but  
22 only of that fact, and the board may inquire into the circumstances surrounding the  
23 commission of the crime in order to fix the degree of discipline or to determine if  
24 the conviction is substantially related to the qualifications, functions, and duties  
25 of the licensee in question.

26 As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,'  
27 and 'registration.'

28 8. Section 9884.7 of the Code states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there  
was a bona fide error, may refuse to validate, or may invalidate temporarily or  
permanently, the registration of an automotive repair dealer for any of the  
following acts or omissions related to the conduct of the business of the  
automotive repair dealer, which are done by the automotive repair dealer or any  
automotive technician, employee, partner, officer, or member of the automotive  
repair dealer.

(1) Making or authorizing in any manner or by any means whatever any  
statement written or oral which is untrue or misleading, and which is known, or  
which by the exercise of reasonable care should be known, to be untrue or  
misleading.

....

(4) Any other conduct which constitutes fraud.

(b) Except as provided for in subdivision (c), if an automotive repair  
dealer operates more than one place of business in this state, the director pursuant  
to subdivision (a) shall only invalidate temporarily or permanently the registration  
of the specific place of business which has violated any of the provisions of this

1 chapter. This violation, or action by the director, shall not affect in any manner  
2 the right of the automotive repair dealer to operate his or her other places of  
business.

3 (c) Notwithstanding subdivision (b), the director may invalidate  
4 temporarily or permanently, the registration for all places of business operated in  
5 this state by an automotive repair dealer upon a finding that the automotive repair  
dealer has, or is, engaged in a course of repeated and willful violations of this  
chapter, or regulations adopted pursuant to it.

6 9. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
7 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
8 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
9 temporarily or permanently.

10 10. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
11 "commission," "committee," "department," "division," "examining committee," "program," and  
12 "agency." "License" includes certificate, registration or other means to engage in a business or  
13 profession regulated by the Code.

14 11. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
15 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
16 the Motor Vehicle Inspection Program.

17 12. Section 44072.2 of the Health and Safety Code states, in pertinent part:

18 The director may suspend, revoke, or take other disciplinary action against  
19 a license as provided in this article if the licensee, or any partner, officer, or  
director thereof, does any of the following:

20 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
21 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted  
pursuant to it, which related to the licensed activities.

22 (c) Violates any of the regulations adopted by the director pursuant to this  
23 chapter.

24 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
another is injured.

25 13. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
26 expiration or suspension of a license by operation of law, or by order or decision of the Director  
27 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive  
28 the Director of jurisdiction to proceed with disciplinary action.

1           14.     Section 44072.8 of the Health & Safety Code states:

2                     “When a license has been revoked or suspended following a hearing under this  
3 article, any additional license issued under this chapter in the name of the licensee may be  
4 likewise revoked or suspended by the director.”

5                                     **COST RECOVERY**

6           15.     Code section 125.3 provides, in pertinent part, that a Board may request the  
7 administrative law judge to direct a licensee found to have committed a violation or violations  
8 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
9 enforcement of the case.

10                                   **SURVEILLANCE OPERATION - MARCH 5, 2007**

11           16.     On or about March 5, 2007, the Bureau performed a visual/videotaped  
12 surveillance of Respondent Amigos’s facility. The surveillance operation and information  
13 obtained from the Bureau’s Vehicle Information Database (“VID”) revealed that between  
14 approximately 0854 hours and 1537 hours, Respondent Rabadi performed six (6) smog  
15 inspections that resulted in the issuance of electronic certificates of compliance for the vehicles  
16 set forth in Table 1, below, certifying that he had tested and inspected the vehicles and that the  
17 vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi  
18 performed the smog inspections using the clean piping<sup>1/</sup> method by using the tail pipe emissions  
19 of vehicles other than the vehicles being certified in order to issue the certificates of compliance.  
20 The vehicles certified were not in the test bay at the time of the smog inspections.

21                                   **Table 1**

<b>Date &amp; Time</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert No.</b>
3/5/2007 0854 hours to 0907 hours	1992 Lexus LS400 Lic. No. 4GXE498	Lexus GS300	VF322378C

26 \_\_\_\_\_  
27           1. “Clean piping” is sampling the (clean) tailpipe emissions and/or the RPM readings of  
28 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not  
in compliance or are not present in the smog check area during the time of the certification.

3/5/2007 0923 hours to 0934 hours	1997 Pontiac Grand Am Lic. No. 3UDU102	Chevrolet S10 Pickup	VF322380C
3/5/2007 1415 hours to 1429 hours	1992 Acura Integra Lic. No. 2ZPH234	Chevrolet S10 Pickup	VF322394C
3/5/2007 1528 hours to 1537 hours	2000 Honda Civic Lic. No. 992557S	Chevrolet S10 Pickup	VF322395C

**Table 1A**

<b>Date &amp; Time</b>	<b>Vehicle to be Certified</b>	<b>Vehicle Actually Tested</b>	<b>Certificate</b>
3/5/2007 1453 hours to 1503 hours	1992 Volkswagen Passat Lic. No. 4SBM185	Chevrolet S10 Pickup	No Cert Issued
3/5/2007 1509 hours to 1519 hours	1990 Volkswagen Vanagon	Chevrolet S10 Pickup	No Cert Issued

**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

17. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 5, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that the vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

18. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 5, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in

1 Table 1, above, without performing bona fide inspections of the emission control devices and  
2 systems on those vehicles, thereby depriving the People of the State of California of the  
3 protection afforded by the Motor Vehicle Inspection Program.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 19. Respondent Amigos has subjected his station license to discipline under Health  
7 and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he violated  
8 sections of that Code, as follows:

9 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
10 emission control tests on the vehicles set forth in Tables 1 and 1A, above, in accordance with  
11 procedures prescribed by the department.

12 b. **Section 44015, subdivision (b):** Respondent Amigos issued the  
13 electronic certificates of compliance for the vehicles set forth in Table 1, above, without properly  
14 testing and inspecting the vehicles to determine if they were in compliance with section 44012 of  
15 that Code.

16 c. **Section 44059:** Respondent Amigos willfully made false entries for the  
17 electronic certificates of compliance set forth in Table 1, above, by certifying that those vehicles  
18 had been inspected as required when, in fact, they had not.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 20. Respondent Amigos has subjected his station license to discipline under Health  
22 and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he violated  
23 sections of the California Code of Regulations, title 16, as follows:

24 d. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
25 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,  
26 above, without performing bona fide inspections of the emission control devices and systems on  
27 those vehicles as required by Health and Safety Code section 44012.

28 e. **Section 3340.35, subdivision (c):** Respondent Amigos issued the

1 electronic certificates of compliance for the vehicles set forth in Table 1, above, even though the  
2 vehicles had not been inspected in accordance with section 3340.42 of that Code.

3 f. **Section 3340.42:** Respondent Amigos failed to conduct the required  
4 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance  
5 with the Bureau's specifications.

6 **FIFTH CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 21. Respondent Amigos subjected his station license to discipline under Health and  
9 Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, regarding the  
10 vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit  
11 whereby another was injured by issuing the electronic certificates of compliance for those  
12 vehicles when, in fact, those vehicles had not been properly tested and inspected, thereby  
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
14 Inspection Program.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 22. Respondent Rabadi has subjected his technician license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he violated  
19 sections of that Code, as follows:

20 g. **Section 44012, subdivision (f):** Respondent Rabadi failed to determine  
21 that all emission control devices and systems required by law were installed and functioning  
22 correctly on the vehicles set forth in Tables 1 and 1A, above, in accordance with test procedures.

23 h. **Section 44032:** Respondent Rabadi failed to perform tests of the  
24 emission control devices and systems on the vehicles set forth in Tables 1 and 1A, above, in  
25 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

26 i. **Section 44059:** Respondent Rabadi made false entries into the Emission  
27 Inspection System ("EIS") for the certificates of compliance set forth in Table 1, above, by  
28 entering vehicle identification information or emissions information for vehicles other than the



1 vehicles being certified.

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

4 23. Respondent Rabadi has subjected his technician license to discipline under Health  
5 and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he violated  
6 sections of the California Code of Regulations, title 16, as follows:

7 j. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
8 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,  
9 above, without performing bona fide inspections of the emission control devices and systems on  
10 those vehicles as required by Health and Safety Code section 44012.

11 k. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
12 and test the vehicles set forth in Tables 1 and 1A, above, in accordance with Health and Safety  
13 Code section 44012.

14 l. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
15 information for the electronic certificates of compliance for the vehicles set forth in Table 1,  
16 above, by entering vehicle identification information or emission control information for  
17 vehicles other than the vehicles being tested.

18 m. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
19 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance  
20 with the Bureau's specifications.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Dishonesty, Fraud or Deceit)**

23 24. Respondent Rabadi has subjected his technician license to discipline under Health  
24 and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, he  
25 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
26 electronic certificates of compliance for those vehicles without performing bona fide inspections  
27 of the emission control devices and systems on the vehicles set forth in Table 1, above, thereby  
28 depriving the People of the State of California of the protection afforded by the Motor Vehicle

1 Inspection Program.

2 **SURVEILLANCE OPERATION - MARCH 14, 2007**

3 25. On or about March 14, 2007, the Bureau performed a videotaped surveillance of  
4 Respondent Amigos's facility. The surveillance operation and information obtained from the  
5 Bureau's VID revealed that between approximately 1354 hours and 1516 hours, Respondent  
6 Rabadi performed five (5) smog inspections that resulted in the issuance of electronic certificates  
7 of compliance, certifying that he had tested and inspected the vehicles set forth in Table 2,  
8 below, and that those vehicles were in compliance with applicable laws and regulations. In fact,  
9 Respondent Rabadi performed the smog inspections using the clean piping method by using the  
10 tail pipe emissions of vehicles other than the vehicles being certified in order to issue the  
11 certificates of compliance.

12 **Table 2**

13 <b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
14 3/14/2007 15 1354 hours 16 to 1403 hours	1999 Cadillac Seville Lic. No. 4EEC797	Chevrolet S-10 pickup	VF453084C
17 3/14/2007 18 1408 hours 19 to 1417 hours	1984 Toyota pickup Lic. No. 7V90225	Chevrolet S-10 pickup	VF453085C
20 3/14/2007 21 1423 hours 22 to 1438 hours	2000 Ford Mustang Lic. No. 703367S	Chevrolet S-10 pickup	VF453086C
23 3/14/2007 24 1442 hours 25 to 1443 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	No Cert Test Aborted
26 3/14/2007 27 1455 hours 28 to 1503 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	VF453087C
3/14/2007 1507 hours to 1516 hours	1999 Nissan Maxima Lic. No. 5WTG833	Chevrolet S-10 pickup	VF453088C

1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 26. Respondent Amigos has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(1), in that on or about March 14, 2007, he made statements which  
5 he knew or which by exercise of reasonable care he should have known were untrue or  
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
7 Table 2, above, certifying that those vehicles were in compliance with applicable laws and  
8 regulations when, in fact, the vehicles had been cleanpiped.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 27. Respondent Amigos has subjected his registration to discipline under Code  
12 section 9884.7, subdivision (a)(4), in that on or about March 14, 2007, he committed acts which  
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in  
14 Table 2, above, without performing bona fide inspections of the emission control devices and  
15 systems on those vehicles, thereby depriving the People of the State of California of the  
16 protection afforded by the Motor Vehicle Inspection Program.

17 **ELEVENTH CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 28. Respondent Amigos has subjected his station license to discipline under Health  
20 and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007, regarding  
21 the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

22 n. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
23 emission control tests on those vehicles in accordance with procedures prescribed by the  
24 department.

25 o. **Section 44015, subdivision (b):** Respondent Amigos issued the  
26 electronic certificates of compliance for those vehicles without properly testing and inspecting  
27 the vehicles to determine if they were in compliance with section 44012 of that Code.

28 p. **Section 44059:** Respondent Amigos willfully made false entries for the

1 electronic certificates of compliance by certifying that those vehicles had been inspected as  
2 required when, in fact, they had not.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

5 29. Respondent Amigos has subjected his station license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007, regarding  
7 the vehicles set forth in Table 2, above, he violated sections of the California Code of  
8 Regulations, title 16, as follows:

9 q. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
10 fraudulently issued the electronic certificates of compliance for those vehicles without  
11 performing bona fide inspections of the emission control devices and systems on those vehicles  
12 as required by Health and Safety Code section 44012.

13 r. **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
14 electronic certificates of compliance for those vehicles even though the vehicles had not been  
15 inspected in accordance with section 3340.42 of that Code.

16 s. **Section 3340.42:** Respondent Amigos failed to conduct the required  
17 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 **(Dishonesty, Fraud or Deceit)**

20 30. Respondent Amigos has subjected his station license to discipline under Health  
21 and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, regarding  
22 the vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud or deceit  
23 whereby another was injured by issuing the electronic certificates of compliance for those  
24 vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving  
25 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
26 Program.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 31. Respondent Rabadi has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007, regarding  
5 the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

6 t. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
7 emission control tests on those vehicles in accordance with procedures prescribed by the  
8 department.

9 u. **Section 44032:** Respondent Rabadi failed to perform tests of the  
10 emission control devices and systems on those vehicles in accordance with section 44012 of that  
11 Code, in that the vehicles had been clean piped.

12 v. **Section 44059:** Respondent Rabadi made false entries for the electronic  
13 certificates of compliance by certifying that those vehicles had been inspected as required when,  
14 in fact, they had not.

15 **FIFTEENTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 32. Respondent Rabadi has subjected his technician license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007, regarding  
19 the vehicles set forth in Table 2, above, he violated sections of the California Code of  
20 Regulations, title 16, as follows:

21 w. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
22 fraudulently issued the electronic certificates of compliance for those vehicles without  
23 performing bona fide inspections of the emission control devices and systems on those vehicles  
24 as required by Health and Safety Code section 44012.

25 x. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
26 and test those vehicles in accordance with Health and Safety Code section 44012.

27 y. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
28 information into the EIS for the electronic certificates of compliance for those vehicles by

1 entering vehicle identification information or emission control information for vehicles other  
2 than the vehicles being tested.

3 z. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
4 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

5 **SIXTEENTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 33. Respondent Rabadi has subjected his technician license to discipline under Health  
8 and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, he  
9 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
10 electronic certificates of compliance for the vehicles set forth in Table 2, above, without  
11 performing bona fide inspections of the emission control devices and systems on those vehicles,  
12 thereby depriving the People of the State of California of the protection afforded by the Motor  
13 Vehicle Inspection Program.

14 **SURVEILLANCE OPERATION - MARCH 15, 2007**

15 34. On or about March 15, 2007, the Bureau performed a videotaped surveillance of  
16 Respondent Amigos's facility. The surveillance operation and information obtained from the  
17 Bureau's VID revealed that between approximately 1518 hours and 1552 hours, Respondent  
18 Rabadi performed three (3) smog inspections that resulted in the issuance of electronic  
19 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in  
20 Table 3, below, and that those vehicles were in compliance with applicable laws and regulations.  
21 In fact, Respondent Rabadi performed the smog inspections using the clean piping method by  
22 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue  
23 the certificates of compliance.

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**Table 3**

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
3/15/2007 1518 hours to 1527 hours	1993 Toyota pickup Lic. No. 8A65705	Chevrolet S-10 pickup	VF501968C
3/15/2007 1531 hours to 1540 hours	1988 Honda Civic Lic. No. 5HVT381	Chevrolet S-10 pickup	VF501969C
3/15/2007 1545 hours to 1552 hours	1992 Toyota Corolla Lic. No. 4ZCC255	Chevrolet S-10 pickup	VF501970C

**SEVENTEENTH CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

35. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 15, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 3, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been cleanpiped.

**EIGHTEENTH CAUSE FOR DISCIPLINE**

**(Fraud)**

36. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 15, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in Table 3, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Violation of the Motor Vehicle Inspection Program)**

3 37. Respondent Amigos has subjected his station license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007, regarding  
5 the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

6 aa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
7 emission control tests on those vehicles in accordance with procedures prescribed by the  
8 department.

9 bb. **Section 44015, subdivision (b):** Respondent Amigos issued the  
10 electronic certificates of compliance for those vehicles without properly testing and inspecting  
11 the vehicles to determine if they were in compliance with section 44012 of that Code.

12 cc. **Section 44059:** Respondent Amigos willfully made false entries for the  
13 electronic certificates of compliance by certifying that those vehicles had been inspected as  
14 required when, in fact, they had not.

15 **TWENTIETH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17 38. Respondent Amigos has subjected his station license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007, regarding  
19 the vehicles set forth in Table 3, above, he violated sections of the California Code of  
20 Regulations, title 16, as follows:

21 dd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
22 fraudulently issued the electronic certificates of compliance for those vehicles without  
23 performing bona fide inspections of the emission control devices and systems on those vehicles  
24 as required by Health and Safety Code section 44012.

25 ee. **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
26 electronic certificates of compliance for those vehicles even though the vehicles had not been  
27 inspected in accordance with section 3340.42 of that Code.

28 ff. **Section 3340.42:** Respondent Amigos failed to conduct the required



smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

## **TWENTY-FIRST CAUSE FOR DISCIPLINE**

### **(Dishonesty, Fraud or Deceit)**

39. Respondent Amigos has subjected his station license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, regarding the vehicles set forth in Table 3, above, he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the electronic certificates of compliance for those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

## **TWENTY-SECOND CAUSE FOR DISCIPLINE**

### **(Violations of the Motor Vehicle Inspection Program)**

40. Respondent Rabadi has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007, regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

gg. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform emission control tests on those vehicles in accordance with procedures prescribed by the department.

hh. **Section 44032:** Respondent Rabadi failed to perform tests of the emission control devices and systems on those vehicles in accordance with section 44012 of that Code, in that the vehicles had been clean piped.

ii. **Section 44059:** Respondent Rabadi willfully made false entries for the electronic certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

## **TWENTY-THIRD CAUSE FOR DISCIPLINE**

### **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

41. Respondent Rabadi has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007, regarding

1 the vehicles set forth in Table 3, above, he violated sections of the California Code of  
2 Regulations, title 16, as follows:

3           jj.     **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
4 fraudulently issued the electronic certificates of compliance for those vehicles without  
5 performing bona fide inspections of the emission control devices and systems on those vehicles  
6 as required by Health and Safety Code section 44012.

7           kk.     **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
8 and test those vehicles in accordance with Health and Safety Code section 44012.

9           ll.     **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
10 information into the EIS for the electronic certificates of compliance for those vehicles by  
11 entering vehicle identification information or emission control information for vehicles other  
12 than the vehicles being tested.

13           mm.    **Section 3340.42:** Respondent Rabadi failed to conduct the required  
14 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

15                   **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

16                           **(Dishonesty, Fraud or Deceit)**

17           42.     Respondent Rabadi has subjected his technician license to discipline under Health  
18 and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, he  
19 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
20 electronic certificates of compliance for the vehicles set forth in Table 3, above, without  
21 performing bona fide inspections of the emission control devices and systems on those vehicles,  
22 thereby depriving the People of the State of California of the protection afforded by the Motor  
23 Vehicle Inspection Program.

24                   **SURVEILLANCE OPERATION - MARCH 19, 2007**

25           43.     On or about March 19, 2007, the Bureau performed a videotaped surveillance at  
26 Respondent Amigos's facility. The surveillance operation and information obtained from the  
27 Bureau's VID revealed that between approximately 1458 hours and 1537 hours, Respondent  
28 Rabadi performed three (3) smog inspections that resulted in the issuance of electronic

1 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in  
2 Table 4, below, and that those vehicles were in compliance with applicable laws and regulations.  
3 In fact, Respondent Rabadi performed the smog inspections using the clean piping method by  
4 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue  
5 the certificates of compliance.

6 **Table 4**

7 <b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
8 3/19/2007 9 1458 hours 10 to 11 1507 hours	1996 Oldsmobile Achieva Lic. No. 5EDC973	Chevrolet S-10 pickup	VF537867C
12 3/19/2007 13 1516 hours 14 to 15 1523 hours	1989 GMC C2500 Sierra Lic. No. 3Z69296	Lexus GS300	VF537868C
16 3/19/2007 17 1528 hours 18 to 19 1537 hours	1998 Toyota Corolla Lic. No. 4DVD644	Chevrolet SUV	VF537869C

20 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

21 **(Misleading Statements)**

22 44. Respondent Amigos has subjected his registration to discipline under Code  
23 section 9884.7, subdivision (a)(1), in that on or about March 19, 2007, he made statements which  
24 he knew or which by exercise of reasonable care he should have known were untrue or  
25 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
26 Table 4, above, certifying that those vehicles were in compliance with applicable laws and  
27 regulations when, in fact, the vehicles had been clean piped.

28 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

**(Fraud)**

45. Respondent Amigos has subjected his registration to discipline under Code  
section 9884.7, subdivision (a)(4), in that on or about March 19, 2007, he committed acts which  
constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in

1 Table 4, above, without performing bona fide inspections of the emission control devices and  
2 systems on those vehicles, thereby depriving the People of the State of California of the  
3 protection afforded by the Motor Vehicle Inspection Program.

4 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 46. Respondent Amigos has subjected his station license to discipline under Health  
7 and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007, regarding  
8 the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

9 nn. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
10 emission control tests on those vehicles in accordance with procedures prescribed by the  
11 department.

12 oo. **Section 44015, subdivision (b):** Respondent Amigos issued the  
13 electronic certificates of compliance for those vehicles without properly testing and inspecting  
14 the vehicles to determine if they were in compliance with section 44012 of that Code.

15 pp. **Section 44059:** Respondent Amigos willfully made false entries for the  
16 electronic certificates of compliance by certifying that those vehicles had been inspected as  
17 required when, in fact, they had not.

18 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 47. Respondent Amigos has subjected his station license to discipline under Health  
21 and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007, regarding  
22 the vehicles set forth in Table 4, above, he violated sections of the California Code of  
23 Regulations, title 16, as follows:

24 qq. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
25 fraudulently issued the electronic certificates of compliance for those vehicles without  
26 performing bona fide inspections of the emission control devices and systems on those vehicles  
27 as required by Health and Safety Code section 44012.

28 rr. **Section 3340.35, subdivision (c):** Respondent Amigos issued the

1 electronic certificates of compliance for those vehicles even though the vehicles had not been  
2 inspected in accordance with section 3340.42 of that Code.

3 ss. **Section 3340.42:** Respondent Amigos failed to conduct the required  
4 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

5 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 48. Respondent Amigos has subjected his station license to discipline under Health  
8 and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, regarding  
9 the vehicles set forth in Table 4, above, he committed acts involving dishonesty, fraud or deceit  
10 whereby another was injured by issuing the electronic certificates of compliance for those  
11 vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving  
12 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
13 Program.

14 **THIRTIETH CAUSE FOR DISCIPLINE**

15 **(Violations of the Motor Vehicle Inspection Program)**

16 49. Respondent Rabadi has subjected his technician license to discipline under Health  
17 and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007, regarding  
18 the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

19 tt. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
20 emission control tests on those vehicles in accordance with procedures prescribed by the  
21 department.

22 uu. **Section 44032:** Respondent Rabadi failed to perform tests of the  
23 emission control devices and systems on those vehicles in accordance with section 44012 of that  
24 Code, in that the vehicles had been clean piped.

25 vv. **Section 44059:** Respondent Rabadi willfully made false entries for the  
26 electronic certificates of compliance by certifying that those vehicles had been inspected as  
27 required when, in fact, they had not.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 50. Respondent Rabadi has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007, regarding  
5 the vehicles set forth in Table 4, above, he violated sections of the California Code of  
6 Regulations, title 16, as follows:

7 ww. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
8 fraudulently issued the electronic certificates of compliance for those vehicles without  
9 performing bona fide inspections of the emission control devices and systems on those vehicles  
10 as required by Health and Safety Code section 44012.

11 xx. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 yy. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
14 information into the EIS for the electronic certificates of compliance for those vehicles by  
15 entering vehicle identification information or emission control information for vehicles other  
16 than the vehicles being tested.

17 zz. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 51. Respondent Rabadi has subjected his technician license to discipline under Health  
22 and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, he  
23 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
24 electronic certificates of compliance for the vehicles set forth in Table 4, above, without  
25 performing bona fide inspections of the emission control devices and systems on those vehicles,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

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1 **SURVEILLANCE OPERATION - APRIL 16, 2007**

2 52. On or about April 16, 2007, the Bureau performed a videotaped surveillance at  
3 Respondent Amigos's facility. The surveillance operation and information obtained from the  
4 Bureau's VID revealed that between approximately 0943 hours and 1011 hours, Respondent  
5 Rabadi performed two (2) smog inspection one inspection resulting in the issuance of electronic  
6 Certificate of Compliance No. VF902130C for a 1989 Ford F250, California License Plate No.  
7 5N36993, certifying that he had tested and inspected the vehicle and the vehicle was in  
8 compliance with applicable laws and regulations. In fact, Respondent Rabadi performed that  
9 smog inspection using the clean piping method by using the tail pipe emissions of a Chevrolet  
10 Caprice in order to issue the certificate of compliance. Respondent Rabadi performed the second  
11 smog inspection of a 1988 Chevrolet S-10 pickup, California License Plate No. 3P32366, using  
12 the tailpipe emissions of a Lexus GD300; however, no electronic certificate of compliance was  
13 issued for that vehicle. Neither of the vehicles were in the test bay at the time the inspections  
14 were performed.

15 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

16 **(Misleading Statements)**

17 53. Respondent Amigos has subjected his registration to discipline under Code  
18 section 9884.7, subdivision (a)(1), in that on or about April 16, 2007, he made statements which  
19 he knew or which by exercise of reasonable care he should have known were untrue or  
20 misleading when he issued electronic Certificate of Compliance No. VF902130C for the 1989  
21 Ford F250, certifying that the vehicle was in compliance with applicable laws and regulations  
22 when, in fact, the vehicle had been clean piped.

23 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 54. Respondent Amigos has subjected his registration to discipline under Code  
26 section 9884.7, subdivision (a)(4), in that on or about April 16, 2007, he committed acts which  
27 constitute fraud by issuing electronic Certificate of Compliance No. VF902130C for the 1989  
28 Ford F250 without performing a bona fide inspection of the emission control devices and

1 systems on that vehicle, thereby depriving the People of the State of California of the protection  
2 afforded by the Motor Vehicle Inspection Program.

3 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 55. Respondent Amigos has subjected his station license to discipline under Health  
6 and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he violated  
7 sections of that Code, as follows:

8 aaa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
9 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with  
10 procedures prescribed by the department.

11 bbb. **Section 44015, subdivision (b):** Respondent Amigos issued electronic  
12 Certificate of Compliance No. VF902130C for the 1989 Ford F250 without properly testing and  
13 inspecting the vehicle to determine if it was in compliance with section 44012 of that Code.

14 ccc. **Section 44059:** Respondent Amigos willfully made false entries for  
15 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had  
16 been inspected as required when, in fact, it had not.

17 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

19 56. Respondent Amigos has subjected his station license to discipline under Health  
20 and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he violated  
21 sections of the California Code of Regulations, title 16, as follows:

22 ddd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
23 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250  
24 without performing a bona fide inspection of the emission control devices and systems on that  
25 vehicle as required by Health and Safety Code section 44012.

26 eee. **Section 3340.35, subdivision (c):** Respondent Amigos issued electronic  
27 Certificate of Compliance No. VF902130C for the 1989 Ford F250 even though the vehicle had  
28 not been inspected in accordance with section 3340.42 of that Code.



1                    fff.    **Section 3340.42:** Respondent Amigos failed to conduct the required  
2 smog tests and inspections on the 1989 Ford F250 and 1988 Chevrolet S10 in accordance with  
3 the Bureau's specifications.

4                    **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

5                    **(Dishonesty, Fraud or Deceit)**

6                    57.    Respondent Amigos has subjected his station license to discipline under Health  
7 and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, regarding  
8 the 1989 Ford F250, he committed acts involving dishonesty, fraud or deceit whereby another  
9 was injured by issuing electronic Certificate of Compliance No. VF902130C for that vehicle  
10 when, in fact, the vehicle had not been properly tested and inspected, thereby depriving the  
11 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
12 Program.

13                    **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

14                    **(Violations of the Motor Vehicle Inspection Program)**

15                    58.    Respondent Rabadi has subjected his technician license to discipline under Health  
16 and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he violated  
17 sections of that Code, as follows:

18                    ggg.    **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
19 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with  
20 procedures prescribed by the department.

21                    hhh.    **Section 44032:** Respondent Rabadi failed to perform tests of the  
22 emission control devices and systems on the 1989 Ford F250 and the 1988 Chevrolet S10 in  
23 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

24                    iii.    **Section 44059:** Respondent Rabadi willfully made false entries for  
25 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had  
26 been inspected as required when, in fact, it had not.

27                    ///

28                    ///

1 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 59. Respondent Rabadi has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he violated  
5 sections of the California Code of Regulations, title 16, as follows:

6 jjj. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
7 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250  
8 without performing a bona fide inspection of the emission control devices and systems on that  
9 vehicle as required by Health and Safety Code section 44012.

10 kkk. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
11 and test the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with Health and Safety  
12 Code section 44012.

13 lll. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
14 information into the EIS for electronic Certificate of Compliance No. VF902130C for the 1989  
15 Ford F250 by entering vehicle identification information or emission control information for a  
16 vehicle other than the vehicle being tested.

17 mmm. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
18 smog tests and inspections of the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance  
19 with the Bureau's specifications.

20 **FORTIETH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 60. Respondent Rabadi has subjected his technician license to discipline under Health  
23 and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, he  
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
25 electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250 without  
26 performing a bona fide inspection of the emission control devices and systems on that vehicle,  
27 thereby depriving the People of the State of California of the protection afforded by the Motor  
28 Vehicle Inspection Program.

1 **SURVEILLANCE OPERATION - OCTOBER 10, 2007**

2 61. On or about October 10, 2007, the Bureau performed a videotaped surveillance at  
3 Respondent Amigos's facility. The surveillance operation and information obtained from the  
4 Bureau's VID revealed that between approximately 1501 hours and 1533 hours, Respondent  
5 Hannoush performed three (3) smog inspections that resulted in the issuance of electronic  
6 certificates of compliance, certifying that he had tested and inspected the vehicles set forth in  
7 Table 5, below, and that those vehicles were in compliance with applicable laws and regulations.  
8 In fact, Respondent Hannoush performed the smog inspections using the clean piping method by  
9 using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue  
10 the certificates of compliance.

11 **Table 5**

12

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
10/10/2007 1512 hours to 1518 hours	1998 Lincoln Navigator Lic. No. 5TQJ347	2000 Ford Explorer	MU990192C

13  
14  
15  
16

17 **FORTY-FIRST CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 62. Respondent Amigos has subjected his registration to discipline under Code  
20 section 9884.7, subdivision (a)(1), in that on or about October 10, 2007, he made statements  
21 which he knew or which by exercise of reasonable care he should have known were untrue or  
22 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
23 Table 5, above, certifying that those vehicles were in compliance with applicable laws and  
24 regulations when, in fact, the vehicles had been clean piped.

25 **FORTY-SECOND CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 63. Respondent Amigos has subjected his registration to discipline under Code  
28 section 9884.7, subdivision (a)(4), in that on or about October 10, 2007, he committed acts

1 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set  
2 forth in Table 5, above, without performing bona fide inspections of the emission control devices  
3 and systems on those vehicles, thereby depriving the People of the State of California of the  
4 protection afforded by the Motor Vehicle Inspection Program.

5 **FORTY-THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 64. Respondent Amigos has subjected his station license to discipline under Health  
8 and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007,  
9 regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

10 nnn. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
11 emission control tests on those vehicles in accordance with procedures prescribed by the  
12 department.

13 ooo. **Section 44015, subdivision (b):** Respondent Amigos issued the  
14 electronic certificates of compliance for those vehicles without properly testing and inspecting  
15 the vehicles to determine if they were in compliance with section 44012 of that Code.

16 ppp. **Section 44059:** Respondent Amigos willfully made false entries for the  
17 electronic certificates of compliance by certifying that those vehicles had been inspected as  
18 required when, in fact, they had not.

19 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 65. Respondent Amigos has subjected his station license to discipline under Health  
22 and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,  
23 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of  
24 Regulations, title 16, as follows:

25 qqq. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
26 fraudulently issued the electronic certificates of compliance for those vehicles without  
27 performing bona fide inspections of the emission control devices and systems on those vehicles  
28 as required by Health and Safety Code section 44012.

rrr. **Section 3340.35, subdivision (c):** Respondent Amigos issued the electronic certificates of compliance for those vehicles even though the vehicles had not been inspected in accordance with section 3340.42 of that Code.

sss. **Section 3340.42:** Respondent Amigos failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

**FORTY-FIFTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

66. Respondent Amigos has subjected his station license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007, regarding the vehicles set forth in Table 5, above, he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the electronic certificates of compliance for those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**FORTY-SIXTH CAUSE FOR DISCIPLINE**

**(Violations of the Motor Vehicle Inspection Program)**

67. Respondent Hannoush has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007, regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

ttr. **Section 44012, subdivision (f):** Respondent Hannoush failed to perform emission control tests on those vehicles in accordance with procedures prescribed by the department.

uuu. **Section 44032:** Respondent Hannoush failed to perform tests of the emission control devices and systems on those vehicles in accordance with section 44012 of that Code, in that the vehicles had been clean piped.

vvv. **Section 44059:** Respondent Hannoush willfully made false entries for the electronic certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

1 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 68. Respondent Hannoush has subjected his technician license to discipline under  
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,  
5 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of  
6 Regulations, title 16, as follows:

7 www. **Section 3340.24, subdivision (c):** Respondent Hannoush falsely or  
8 fraudulently issued the electronic certificates of compliance for those vehicles without  
9 performing bona fide inspections of the emission control devices and systems on those vehicles  
10 as required by Health and Safety Code section 44012.

11 xxx. **Section 3340.30, subdivision (a):** Respondent Hannoush failed to  
12 inspect and test those vehicles in accordance with Health and Safety Code section 44012.

13 yyy. **Section 3340.41, subdivision (c):** Respondent Hannoush entered false  
14 information into the EIS for the electronic certificates of compliance for those vehicles by  
15 entering vehicle identification information or emission control information for vehicles other  
16 than the vehicles being tested.

17 zzz. **Section 3340.42:** Respondent Hannoush failed to conduct the required  
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 69. Respondent Hannoush has subjected his technician license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007,  
23 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
24 the electronic certificates of compliance for the vehicles set forth in Table 5, above, without  
25 performing bona fide inspections of the emission control devices and systems on those vehicles,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

28 ///

1 **SURVEILLANCE OPERATION - DECEMBER 14, 2007**

2 70. On or about December 14, 2007, the Bureau performed a videotaped surveillance  
3 at Respondent Amigos's facility. The surveillance operation and information obtained from the  
4 Bureau's VID revealed that between approximately 1659 hours and 1742 hours, Respondent Zait  
5 performed three smog inspections that resulted in the issuance of three electronic certificates of  
6 compliance, certifying that he had tested and inspected the vehicles set forth in Table 6, below,  
7 and that those vehicles were in compliance with applicable laws and regulations, even though no  
8 vehicles were observed exiting or entering the testing bay during this time frame. In fact,  
9 Respondent Zait performed the smog inspections on at least two of the three vehicles using the  
10 clean piping method by using the tail pipe emissions of vehicles other than the vehicles being  
11 certified in order to issue the certificates of compliance.

12 **Table 6**

13

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
12/14/07 1659 hours to 1709 hours	1981 Chevrolet Monte Carlo (1CGF061)	Unknown	VL878025C
1714-1725	1992 Ford Bronco (3XFR401)	Unknown	VL878026C
1733-1742	1985 Nissan pickup (4B63403)	Unknown	VL878027C

19

20 **FORTY-NINTH CAUSE FOR DISCIPLINE**

21 **(Misleading Statements)**

22 71. Respondent Amigos has subjected his registration to discipline under Code  
23 section 9884.7, subdivision (a)(1), in that on or about December 14, 2007, he made statements  
24 which he knew or which by exercise of reasonable care he should have known were untrue or  
25 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
26 Table 6, above, certifying that those vehicles were in compliance with applicable laws and  
27 regulations when, in fact, the vehicles had been clean piped.

28 ///

1 **FIFTIETH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 72. Respondent Amigos has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(4), in that on or about December 14, 2007, he committed acts  
5 which constitute fraud by issuing the electronic certificates of compliance for the vehicles set  
6 forth in Table 6, above, without performing bona fide inspections of the emission control devices  
7 and systems on those vehicles, thereby depriving the People of the State of California of the  
8 protection afforded by the Motor Vehicle Inspection Program.

9 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

10 **(Violation of the Motor Vehicle Inspection Program)**

11 73. Respondent Amigos has subjected his station license to discipline under Health  
12 and Safety Code section 44072.2, subdivision (a), in that on or about December 14, 2007,  
13 regarding the vehicles set forth in Table 6, above, he violated sections of that Code, as follows:

14 aaaa. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
15 emission control tests on those vehicles in accordance with procedures prescribed by the  
16 department.

17 bbbb. **Section 44015, subdivision (b):** Respondent Amigos issued the  
18 electronic certificates of compliance for those vehicles without properly testing and inspecting  
19 the vehicles to determine if they were in compliance with section 44012 of that Code.

20 cccc. **Section 44059:** Respondent Amigos willfully made false entries for the  
21 electronic certificates of compliance by certifying that those vehicles had been inspected as  
22 required when, in fact, they had not.

23 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

25 74. Respondent Amigos has subjected his station license to discipline under Health  
26 and Safety Code section 44072.2, subdivision (c), in that on or about December 14, 2007,  
27 regarding the vehicles set forth in Table 6, above, he violated sections of the California Code of  
28 Regulations, title 16, as follows:



1 dddd. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
2 fraudulently issued the electronic certificates of compliance for those vehicles without  
3 performing bona fide inspections of the emission control devices and systems on those vehicles  
4 as required by Health and Safety Code section 44012.

5 eeee. **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
6 electronic certificates of compliance for those vehicles even though the vehicles had not been  
7 inspected in accordance with section 3340.42 of that Code.

8 ffff. **Section 3340.42:** Respondent Amigos failed to conduct the required  
9 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

10 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit)**

12 75. Respondent Amigos has subjected his station license to discipline under Health  
13 and Safety Code section 44072.2, subdivision (d), in that on or about December 14, 2007,  
14 regarding the vehicles set forth in Table 6, above, he committed acts involving dishonesty, fraud  
15 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
16 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
17 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
18 Inspection Program.

19 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(August 4, 2008 Conviction of Respondent Samer George Zait)**

21 76. Respondent Zait is subject to disciplinary action under section 490 of the Code, in  
22 that on or about August 4, 2008, in a criminal proceeding entitled, *People of the State of*  
23 *California v. Samer George Zait and Hazim Bassam Rabadi*, Riverside Superior Court Case No.  
24 RIF 143748, Respondent Zait was convicted, pursuant to his plea of guilty, of violating section  
25 502(c)(1) of the California Penal Code (unauthorized access to computer systems in order to  
26 commit fraud), and section 4463(a)(2) of the California Vehicle Code (forged certificate of  
27 compliance), misdemeanors both and crimes substantially related to the qualifications, functions,  
28 and duties of an Automotive Repair Dealer and Smog Check Test Only Station Licensee. The

conviction arose out of the surveillance detailed in paragraph 70 and Table 6, above, and the following facts:

a. On or about June 10, 2008, the Riverside County District Attorney filed a six-count felony complaint in Riverside Superior Court against Respondent Zait, as detailed above. The complaint alleged that on December 14, 2007, April 16, 2007, and March 19, 2007, Respondent Zait violated section 502(c)(1) of the California Penal Code, by accessing computer systems without authorization and in order to commit fraud, and section 4463(a)(2) of the California Vehicle Code, by forging certificates of compliance with the smog check program. All six counts were charged as felonies.

b. As a result of the conviction detailed in paragraph 76, the Court sentenced Respondent Zait to summary probation for a period of 36 months; to the custody of the Riverside County Sheriff for a term of 120 days, with 20 days credit for time served; to pay a total of \$130.00 in booking and security fees; to pay a total of \$200.00 in probation revocation and restitution fines, of which the probation revocation restitution fine was stayed; and other standard terms of probation. The Court further ordered that the third through sixth counts of the complaint be dismissed in the interest of justice, and that counts one and two be reduced to misdemeanors.

#### **FIFTY-FIFTH CAUSE FOR DISCIPLINE**

##### **(January 9, 2009 Conviction of Respondent Hazim Bassam Rabadi)**

77. Respondent Rabadi is subject to disciplinary action under section 490 of the Code, in that on or about January 9, 2009, in a criminal proceeding entitled, *People of the State of California v. Samer George Zait and Hazim Bassam Rabadi*, Riverside Superior Court Case No. RIF 143748, Respondent Rabadi was convicted, pursuant to his plea of guilty, of violating section 502(c)(1) of the California Penal Code (unauthorized access to computer systems in order to commit fraud), a misdemeanor and crime substantially related to the qualifications, functions, and duties of an Advanced Emission Specialist Technician. The conviction arose out of the surveillance detailed in paragraph 70 and Table 6, above, and the following facts:

a. On or about June 10, 2008, the Riverside County District Attorney filed a

six-count felony complaint in Riverside Superior Court against Respondent Rabadi, as detailed above. The complaint alleged that on December 14, 2007, April 16, 2007, and March 19, 2007, Respondent Zait violated section 502(c)(1) of the California Penal Code, by accessing computer systems without authorization and in order to commit fraud, and section 4463(a)(2) of the California Vehicle Code, by forging certificates of compliance with the smog check program. All six counts were charged as felonies.

b. As a result of the conviction detailed in paragraph 77, the Court sentenced Respondent Rabadi to summary probation for a period of 36 months; to the custody of the Riverside County Sheriff for a term of 120 days, to be served on consecutive weekends with one days credit for time served; to pay a total of \$140.00 in booking, citation, and security fees; to pay a total of \$200.00 in probation revocation and restitution fines, of which the probation revocation restitution fine was stayed; and other standard terms of probation. The Court further ordered that the second through sixth counts of the complaint be dismissed in the interest of justice against Respondent Rabadi, and that count one be reduced to a misdemeanor.

## FIFTY-SIXTH CAUSE FOR DISCIPLINE

**(Violations of the Motor Vehicle Inspection Program)**

78. Respondent Rabadi has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (a), in that on or about December 14, 2007, regarding the vehicles set forth in Table 6, above, he violated sections of that Code, as follows:

gggg. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform emission control tests on those vehicles in accordance with procedures prescribed by the department.

hhhh. **Section 44032:** Respondent Rabadi failed to perform tests of the emission control devices and systems on those vehicles in accordance with section 44012 of that Code, in that the vehicles had been clean piped.

iii. **Section 44059:** Respondent Rabadi willfully made false entries for the electronic certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

1 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 79. Respondent Rabadi has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about December 14, 2007,  
5 regarding the vehicles set forth in Table 6, above, he violated sections of the California Code of  
6 Regulations, title 16, as follows:

7 jjjj. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
8 fraudulently issued the electronic certificates of compliance for those vehicles without  
9 performing bona fide inspections of the emission control devices and systems on those vehicles  
10 as required by Health and Safety Code section 44012.

11 kkkk. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 llll. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
14 information into the EIS for the electronic certificates of compliance for those vehicles by  
15 entering vehicle identification information or emission control information for vehicles other  
16 than the vehicles being tested.

17 mmmm. **Section 3340.42:** Respondent Rabadi failed to conduct the  
18 required smog tests and inspections of those vehicles in accordance with the Bureau's  
19 specifications.

20 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 80. Respondent Rabadi has subjected his technician license to discipline under Health  
23 and Safety Code section 44072.2, subdivision (d), in that on or about December 14, 2007, he  
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
25 electronic certificates of compliance for the vehicles set forth in Table 6, above, without  
26 performing bona fide inspections of the emission control devices and systems on those vehicles,  
27 thereby depriving the People of the State of California of the protection afforded by the Motor  
28 Vehicle Inspection Program.

1 **OTHER MATTERS**

2 81. Under Code section 9884.7, subdivision (c), the director may invalidate  
3 temporarily or permanently or refuse to validate, the registrations for all places of business  
4 operated in this state by Samer G. Zait, doing business as Amigos Test Only, upon a finding that  
5 he has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
6 pertaining to an automotive repair dealer.

7 82. Under Health & Safety Code section 44072.8, if Smog Check Test Only Station  
8 License Number TC 248720, issued to Samer G. Zait, doing business as Amigos Test Only, is  
9 revoked or suspended, any additional license issued under this chapter including, but not limited  
10 to Advanced Emission Specialist Technician License Number 152388, issued to  
11 Samer George Zait may be likewise revoked or suspended by the director.

12 83. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
13 Technician License Number EA 149714, issued to Hazim Bassam Rabadi, is revoked or  
14 suspended, any additional license issued under this chapter in the name of said licensee may be  
15 likewise revoked or suspended by the director.

16 84. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
17 Technician License Number EA 143599, issued to Elias Hanna Hannoush, is revoked or  
18 suspended, any additional license issued under this chapter, including, but not limited to Smog  
19 Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush may be  
20 likewise revoked or suspended by the director.

21 **PRAYER**

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
23 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:


24 1. Temporarily or permanently invalidating Automotive Repair Dealer Registration  
25 Number AC 248720, issued to Samer G. Zait doing business as Amigos Test Only;

26 2. Temporarily or permanently invalidating any other automotive repair dealer  
27 registration issued to Samer G. Zait doing business as Amigos Test Only;

28 ///

3. Revoking or suspending Smog Check Test Only Station License Number TC 248720, issued to Samer G. Zait doing business as Amigos Test Only;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Samer G. Zait doing business as Amigos Test Only;
5. Revoking or suspending Advanced Emission Specialist Technician License Number EA 152388, issued to Samer George Zait;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Samer George Zait;
7. Revoking or suspending Advanced Emission Specialist Technician License Number EA 149714, issued to Hazim Bassam Rabadi;
8. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Hazim Bassam Rabadi;
9. Revoking or suspending Advanced Emission Specialist Technician License Number EA 143599, issued to Elias Hanna Hannoush;
10. Revoking or suspending any additional license issued under Chapter 5 of the Health & Safety Code in the name of Elias Hanna Hannoush including, but not limited to Smog Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush;
11. Ordering Samer G. Zait, Hazim Bassam Rabadi, and Elias Hanna Hannoush to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
12. Taking such other and further action as deemed necessary and proper.

DATED: March 2, 2009

  
G. MICHAEL GERMAN  
Deputy Attorney General for  
SHERRY MEHL  
Chief, Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant

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8 Attorneys for Complainant

9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/09-22

13 **AMIGOS TEST ONLY**  
9712 Jurupa Road, Space C  
14 Riverside, California 92509  
**SAMER G. ZAIT, OWNER**  
15 Automotive Repair Dealer Registration  
No. AC 248720  
16 Smog Check Test Only Station License  
No. TC 248720

**A C C U S A T I O N**  
**[SMOG CHECK]**

17 and

18 **HAZIM BASSAM RABADI**  
19 625 W. 48th Street  
San Bernardino, California 92407  
20 Advanced Emission Specialist Technician  
License No. EA 149714,

21 and

22 **ELIAS HANNA HANNOUSH**  
23 13260 Running Deer Road  
Moreno Valley, California 92553  
24 Advanced Emission Specialist Technician  
License No. EA 143599

25 Respondents.  
26

27 ///

28 ///

1 Sherry Mehl ("Complainant") alleges:

2 **PARTIES**

3 1. Complainant brings this Accusation solely in her official capacity as the  
4 Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration**

6 2. On or about January 4, 2006, the Bureau issued Automotive Repair Dealer  
7 Registration Number AC 248720 ("registration") to Samer G. Zait ("Respondent"), doing  
8 business as Amigos Test Only. The registration will expire on December 31, 2008, unless  
9 renewed.

10 **Smog Check Test Only Station License**

11 3. On or about January 23, 2007, the Bureau issued Smog Check Test Only  
12 Station License Number TC 248720 ("station license") to Respondent Amigos. The station  
13 license will expire on December 31, 2008, unless renewed.

14 **Advanced Emission Specialist Technician License (Rabadi)**

15 4. On or about October 27, 2004, the Bureau issued Advanced Emission  
16 Specialist Technician License Number EA 149714 ("technician license") to Hazim Bassam  
17 Rabadi ("Respondent Rabadi"). The technician license will expire on January 31, 2009, unless  
18 renewed.

19 **Advanced Emission Specialist Technician License (Hannoush)**

20 5. On a date uncertain in 2001, the Bureau issued Advanced Emission  
21 Specialist Technician License Number EA 143599 ("technician license") to Elias Hanna  
22 Hannoush ("Respondent Hannoush"). The technician license will expire on January 31, 2009,  
23 unless renewed.

24 **STATUTORY PROVISIONS**

25 6. Section 9884.7 of the Business and Professions Code ("Code") states, in  
26 pertinent part:

27 (a) The director, where the automotive repair dealer cannot show there was  
28 a bona fide error, may refuse to validate, or may invalidate temporarily or  
permanently, the registration of an automotive repair dealer for any of the



1 following acts or omissions related to the conduct of the business of the  
2 automotive repair dealer, which are done by the automotive repair dealer or any  
3 automotive technician, employee, partner, officer, or member of the automotive  
4 repair dealer.

5 (1) Making or authorizing in any manner or by any means whatever any  
6 statement written or oral which is untrue or misleading, and which is known, or  
7 which by the exercise of reasonable care should be known, to be untrue or  
8 misleading.

9 (4) Any other conduct which constitutes fraud.

10 (b) Except as provided for in subdivision (c), if an automotive repair  
11 dealer operates more than one place of business in this state, the director pursuant  
12 to subdivision (a) shall only invalidate temporarily or permanently the registration  
13 of the specific place of business which has violated any of the provisions of this  
14 chapter. This violation, or action by the director, shall not affect in any manner  
15 the right of the automotive repair dealer to operate his or her other places of  
16 business.

17 (c) Notwithstanding subdivision (b), the director may invalidate  
18 temporarily or permanently, the registration for all places of business operated in  
19 this state by an automotive repair dealer upon a finding that the automotive repair  
20 dealer has, or is, engaged in a course of repeated and willful violations of this  
21 chapter, or regulations adopted pursuant to it.

22 7. Code section 9884.13 provides, in pertinent part, that the expiration of a  
23 valid registration shall not deprive the director or chief of jurisdiction to proceed with a  
24 disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a  
25 registration temporarily or permanently.

26 8. Code section 477 provides, in pertinent part, that "Board" includes  
27 "bureau," "commission," "committee," "department," "division," "examining committee,"  
28 "program," and "agency." "License" includes certificate, registration or other means to engage  
in a business or profession regulated by the Code.

9. Section 44002 of the Health and Safety Code provides, in pertinent part,  
that the Director has all the powers and authority granted under the Automotive Repair Act for  
enforcing the Motor Vehicle Inspection Program.

10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against  
a license as provided in this article if the licensee, or any partner, officer, or  
director thereof, does any of the following:

///

1 (a) Violates any section of this chapter [the Motor Vehicle Inspection  
2 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted  
pursuant to it, which related to the licensed activities.

3 (c) Violates any of the regulations adopted by the director pursuant to this  
4 chapter.

5 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
another is injured.

6 11. Section 44072.6 of the Health and Safety Code provides, in pertinent part,  
7 that the expiration or suspension of a license by operation of law, or by order or decision of the  
8 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall  
9 not deprive the Director of jurisdiction to proceed with disciplinary action.

10 12. Section 44072.8 of the Health & Safety Code states:

11 "When a license has been revoked or suspended following a hearing under this  
12 article, any additional license issued under this chapter in the name of the licensee may be  
13 likewise revoked or suspended by the director."

#### 14 **COST RECOVERY**

15 13. Code section 125.3 provides, in pertinent part, that a Board may request  
16 the administrative law judge to direct a licentiate found to have committed a violation or  
17 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
18 and enforcement of the case.

#### 19 **SURVEILLANCE OPERATION - MARCH 5, 2007**

20 14. On or about March 5, 2007, the Bureau performed a visual/videotaped  
21 surveillance of Respondent Amigos's facility. The surveillance operation and information  
22 obtained from the Bureau's Vehicle Information Database ("VID") revealed that between  
23 approximately 0854 hours and 1537 hours, Respondent Rabadi performed six (6) smog  
24 inspections that resulted in the issuance of electronic certificates of compliance for the vehicles  
25 set forth in Table 1, below, certifying that he had tested and inspected the vehicles and that the  
26 vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi  
27  
28

performed the smog inspections using the clean piping<sup>1</sup> method by using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the certificates of compliance. The vehicles certified were not in the test bay at the time of the smog inspections.

**Table 1**

<b>Date &amp; Time</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert No.</b>
3/5/2007 0854 hours to 0907 hours	1992 Lexus LS400 Lic. No. 4GXE498	Lexus GS300	VF322378C
3/5/2007 0923 hours to 0934 hours	1997 Pontiac Grand Am Lic. No. 3UDU102	Chevrolet S10 Pickup	VF322380C
3/5/2007 1415 hours to 1429 hours	1992 Acura Integra Lic. No. 2ZPH234	Chevrolet S10 Pickup	VF322394C
3/5/2007 1528 hours to 1537 hours	2000 Honda Civic Lic. No. 992557S	Chevrolet S10 Pickup	VF322395C

**Table 1A**

<b>Date &amp; Time</b>	<b>Vehicle to be Certified</b>	<b>Vehicle Actually Tested</b>	<b>Certificate</b>
3/5/2007 1453 hours to 1503 hours	1992 Volkswagen Passat Lic. No. 4SBM185	Chevrolet S10 Pickup	No Cert Issued
3/5/2007 1509 hours to 1519 hours	1990 Volkswagen Vanagon	Chevrolet S10 Pickup	No Cert Issued

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1. "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 15. Respondent Amigos has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(1), in that on or about March 5, 2007, he made statements which  
5 he knew or which by exercise of reasonable care he should have known were untrue or  
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
7 Table 1, above, certifying that the vehicles were in compliance with applicable laws and  
8 regulations when, in fact, the vehicles had been clean piped.

9 **SECOND CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 16. Respondent Amigos has subjected his registration to discipline under Code  
12 section 9884.7, subdivision (a)(4), in that on or about March 5, 2007, he committed acts which  
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in  
14 Table 1, above, without performing bona fide inspections of the emission control devices and  
15 systems on those vehicles, thereby depriving the People of the State of California of the  
16 protection afforded by the Motor Vehicle Inspection Program.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 17. Respondent Amigos has subjected his station license to discipline under  
20 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he  
21 violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
23 emission control tests on the vehicles set forth in Tables 1 and 1A, above, in accordance with  
24 procedures prescribed by the department.

25 b. **Section 44015, subdivision (b):** Respondent Amigos issued the  
26 electronic certificates of compliance for the vehicles set forth in Table 1, above, without properly  
27 testing and inspecting the vehicles to determine if they were in compliance with section 44012 of  
28 that Code.

1 c. **Section 44059:** Respondent Amigos willfully made false entries for the  
2 electronic certificates of compliance set forth in Table 1, above, by certifying that those vehicles  
3 had been inspected as required when, in fact, they had not.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 18. Respondent Amigos has subjected his station license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he  
8 violated sections of the California Code of Regulations, title 16, as follows:

9 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
10 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,  
11 above, without performing bona fide inspections of the emission control devices and systems on  
12 those vehicles as required by Health and Safety Code section 44012.

13 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
14 electronic certificates of compliance for the vehicles set forth in Table 1, above, even though the  
15 vehicles had not been inspected in accordance with section 3340.42 of that Code.

16 c. **Section 3340.42:** Respondent Amigos failed to conduct the required  
17 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance  
18 with the Bureau's specifications.

19 **FIFTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 19. Respondent Amigos subjected his station license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007,  
23 regarding the vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud  
24 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
25 those vehicles when, in fact, those vehicles had not been properly tested and inspected, thereby  
26 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
27 Inspection Program.

28 ///

1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 20. Respondent Rabadi has subjected his technician license to discipline under  
4 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 5, 2007, he  
5 violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to determine  
7 that all emission control devices and systems required by law were installed and functioning  
8 correctly on the vehicles set forth in Tables 1 and 1A, above, in accordance with test procedures.

9 b. **Section 44032:** Respondent Rabadi failed to perform tests of the  
10 emission control devices and systems on the vehicles set forth in Tables 1 and 1A, above, in  
11 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

12 c. **Section 44059:** Respondent Rabadi made false entries into the Emission  
13 Inspection System ("EIS") for the certificates of compliance set forth in Table 1, above, by  
14 entering vehicle identification information or emissions information for vehicles other than the  
15 vehicles being certified.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

18 21. Respondent Rabadi has subjected his technician license to discipline under  
19 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 5, 2007, he  
20 violated sections of the California Code of Regulations, title 16, as follows:

21 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
22 fraudulently issued the electronic certificates of compliance for the vehicles set forth in Table 1,  
23 above, without performing bona fide inspections of the emission control devices and systems on  
24 those vehicles as required by Health and Safety Code section 44012.

25 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
26 and test the vehicles set forth in Tables 1 and 1A, above, in accordance with Health and Safety  
27 Code section 44012.

28 ///

1 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
2 information for the electronic certificates of compliance for the vehicles set forth in Table 1,  
3 above, by entering vehicle identification information or emission control information for vehicles  
4 other than the vehicles being tested.

5 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
6 smog tests and inspections on the vehicles set forth in Tables 1 and 1A, above, in accordance  
7 with the Bureau's specifications.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Dishonesty, Fraud or Deceit)**

10 22. Respondent Rabadi has subjected his technician license to discipline under  
11 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 5, 2007, he  
12 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
13 electronic certificates of compliance for those vehicles without performing bona fide inspections  
14 of the emission control devices and systems on the vehicles set forth in Table 1, above, thereby  
15 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
16 Inspection Program.

17 **SURVEILLANCE OPERATION - MARCH 14, 2007**

18 23. On or about March 14, 2007, the Bureau performed a videotaped  
19 surveillance of Respondent Amigos's facility. The surveillance operation and information  
20 obtained from the Bureau's VID revealed that between approximately 1354 hours and 1516  
21 hours, Respondent Rabadi performed five (5) smog inspections that resulted in the issuance of  
22 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set  
23 forth in Table 2, below, and that those vehicles were in compliance with applicable laws and  
24 regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping  
25 method by using the tail pipe emissions of vehicles other than the vehicles being certified in  
26 order to issue the certificates of compliance.

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**Table 2**

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
3/14/2007 1354 hours to 1403 hours	1999 Cadillac Seville Lic. No. 4EEC797	Chevrolet S-10 pickup	VF453084C
3/14/2007 1408 hours to 1417 hours	1984 Toyota pickup Lic. No. 7V90225	Chevrolet S-10 pickup	VF453085C
3/14/2007 1423 hours to 1438 hours	2000 Ford Mustang Lic. No. 703367S	Chevrolet S-10 pickup	VF453086C
3/14/2007 1442 hours to 1443 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	No Cert Test Aborted
3/14/2007 1455 hours to 1503 hours	1996 Mercury Cougar Lic. No. 3RBG437	Chevrolet S-10 pickup	VF453087C
3/14/2007 1507 hours to 1516 hours	1999 Nissan Maxima Lic. No. 5WTG833	Chevrolet S-10 pickup	VF453088C

**NINTH CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

24. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 14, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 2, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 25. Respondent Amigos has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(4), in that on or about March 14, 2007, he committed acts which  
5 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in  
6 Table 2, above, without performing bona fide inspections of the emission control devices and  
7 systems on those vehicles, thereby depriving the People of the State of California of the  
8 protection afforded by the Motor Vehicle Inspection Program.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Violation of the Motor Vehicle Inspection Program)**

11 26. Respondent Amigos has subjected his station license to discipline under  
12 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007,  
13 regarding the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

14 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
15 emission control tests on those vehicles in accordance with procedures prescribed by the  
16 department.

17 b. **Section 44015, subdivision (b):** Respondent Amigos issued the  
18 electronic certificates of compliance for those vehicles without properly testing and inspecting  
19 the vehicles to determine if they were in compliance with section 44012 of that Code.

20 c. **Section 44059:** Respondent Amigos willfully made false entries for the  
21 electronic certificates of compliance by certifying that those vehicles had been inspected as  
22 required when, in fact, they had not.

23 **TWELFTH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

25 27. Respondent Amigos has subjected his station license to discipline under  
26 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007,  
27 regarding the vehicles set forth in Table 2, above, he violated sections of the California Code of  
28 Regulations, title 16, as follows:

1           a.     **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
2 fraudulently issued the electronic certificates of compliance for those vehicles without  
3 performing bona fide inspections of the emission control devices and systems on those vehicles  
4 as required by Health and Safety Code section 44012.

5           b.     **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
6 electronic certificates of compliance for those vehicles even though the vehicles had not been  
7 inspected in accordance with section 3340.42 of that Code.

8           c.     **Section 3340.42:** Respondent Amigos failed to conduct the required  
9 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

10                           **THIRTEENTH CAUSE FOR DISCIPLINE**

11                                   **(Dishonesty, Fraud or Deceit)**

12           28.     Respondent Amigos has subjected his station license to discipline under  
13 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007,  
14 regarding the vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud  
15 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
16 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
17 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
18 Inspection Program.

19                           **FOURTEENTH CAUSE FOR DISCIPLINE**

20                                   **(Violations of the Motor Vehicle Inspection Program)**

21           29.     Respondent Rabadi has subjected his technician license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 14, 2007,  
23 regarding the vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

24           a.     **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
25 emission control tests on those vehicles in accordance with procedures prescribed by the  
26 department.

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1                   b.     **Section 44032:** Respondent Rabadi failed to perform tests of the  
2 emission control devices and systems on those vehicles in accordance with section 44012 of that  
3 Code, in that the vehicles had been clean piped.

4                   c.     **Section 44059:** Respondent Rabadi made false entries for the electronic  
5 certificates of compliance by certifying that those vehicles had been inspected as required when,  
6 in fact, they had not.

7                                   **FIFTEENTH CAUSE FOR DISCIPLINE**

8                   **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

9                   30.     Respondent Rabadi has subjected his technician license to discipline under  
10 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 14, 2007,  
11 regarding the vehicles set forth in Table 2, above, he violated sections of the California Code of  
12 Regulations, title 16, as follows:

13                   a.     **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
14 fraudulently issued the electronic certificates of compliance for those vehicles without  
15 performing bona fide inspections of the emission control devices and systems on those vehicles  
16 as required by Health and Safety Code section 44012.

17                   b.     **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
18 and test those vehicles in accordance with Health and Safety Code section 44012.

19                   c.     **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
20 information into the EIS for the electronic certificates of compliance for those vehicles by  
21 entering vehicle identification information or emission control information for vehicles other  
22 than the vehicles being tested.

23                   d.     **Section 3340.42:** Respondent Rabadi failed to conduct the required  
24 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

25                                   **SIXTEENTH CAUSE FOR DISCIPLINE**

26                                   **(Dishonesty, Fraud or Deceit)**

27                   31.     Respondent Rabadi has subjected his technician license to discipline under  
28 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 14, 2007, he

committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the electronic certificates of compliance for the vehicles set forth in Table 2, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

**SURVEILLANCE OPERATION - MARCH 15, 2007**

32. On or about March 15, 2007, the Bureau performed a videotaped surveillance of Respondent Amigos's facility. The surveillance operation and information obtained from the Bureau's VID revealed that between approximately 1518 hours and 1552 hours, Respondent Rabadi performed three (3) smog inspections that resulted in the issuance of electronic certificates of compliance, certifying that he had tested and inspected the vehicles set forth in Table 3, below, and that those vehicles were in compliance with applicable laws and regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping method by using the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the certificates of compliance.

**Table 3**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Cert Issued
3/15/2007 1518 hours to 1527 hours	1993 Toyota pickup Lic. No. 8A65705	Chevrolet S-10 pickup	VF501968C
3/15/2007 1531 hours to 1540 hours	1988 Honda Civic Lic. No. 5HVT381	Chevrolet S-10 pickup	VF501969C
3/15/2007 1545 hours to 1552 hours	1992 Toyota Corolla Lic. No. 4ZCC255	Chevrolet S-10 pickup	VF501970C

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 33. Respondent Amigos has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(1), in that on or about March 15, 2007, he made statements which  
5 he knew or which by exercise of reasonable care he should have known were untrue or  
6 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
7 Table 3, above, certifying that those vehicles were in compliance with applicable laws and  
8 regulations when, in fact, the vehicles had been clean piped.

9 **EIGHTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 34. Respondent Amigos has subjected his registration to discipline under Code  
12 section 9884.7, subdivision (a)(4), in that on or about March 15, 2007, he committed acts which  
13 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in  
14 Table 3, above, without performing bona fide inspections of the emission control devices and  
15 systems on those vehicles, thereby depriving the People of the State of California of the  
16 protection afforded by the Motor Vehicle Inspection Program.

17 **NINETEENTH CAUSE FOR DISCIPLINE**

18 **(Violation of the Motor Vehicle Inspection Program)**

19 35. Respondent Amigos has subjected his station license to discipline under  
20 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007,  
21 regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
23 emission control tests on those vehicles in accordance with procedures prescribed by the  
24 department.

25 b. **Section 44015, subdivision (b):** Respondent Amigos issued the  
26 electronic certificates of compliance for those vehicles without properly testing and inspecting  
27 the vehicles to determine if they were in compliance with section 44012 of that Code.

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1                   c.     **Section 44059:** Respondent Amigos willfully made false entries for the  
2 electronic certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4                                   **TWENTIETH CAUSE FOR DISCIPLINE**

5                   **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6                   36.     Respondent Amigos has subjected his station license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007,  
8 regarding the vehicles set forth in Table 3, above, he violated sections of the California Code of  
9 Regulations, title 16, as follows:

10                   a.     **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
11 fraudulently issued the electronic certificates of compliance for those vehicles without  
12 performing bona fide inspections of the emission control devices and systems on those vehicles  
13 as required by Health and Safety Code section 44012.

14                   b.     **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
15 electronic certificates of compliance for those vehicles even though the vehicles had not been  
16 inspected in accordance with section 3340.42 of that Code.

17                   c.     **Section 3340.42:** Respondent Amigos failed to conduct the required  
18 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

19                                   **TWENTY-FIRST CAUSE FOR DISCIPLINE**

20                                   **(Dishonesty, Fraud or Deceit)**

21                   37.     Respondent Amigos has subjected his station license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007,  
23 regarding the vehicles set forth in Table 3, above, he committed acts involving dishonesty, fraud  
24 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
25 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
26 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
27 Inspection Program.

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1                                   **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2                                   **(Violations of the Motor Vehicle Inspection Program)**

3                   38.     Respondent Rabadi has subjected his technician license to discipline under  
4     Health and Safety Code section 44072.2, subdivision (a), in that on or about March 15, 2007,  
5     regarding the vehicles set forth in Table 3, above, he violated sections of that Code, as follows:

6                   a.     **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
7     emission control tests on those vehicles in accordance with procedures prescribed by the  
8     department.

9                   b.     **Section 44032:** Respondent Rabadi failed to perform tests of the  
10    emission control devices and systems on those vehicles in accordance with section 44012 of that  
11    Code, in that the vehicles had been clean piped.

12                  c.     **Section 44059:** Respondent Rabadi willfully made false entries for the  
13    electronic certificates of compliance by certifying that those vehicles had been inspected as  
14    required when, in fact, they had not.

15                                   **TWENTY-THIRD CAUSE FOR DISCIPLINE**

16                                   **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17                  39.     Respondent Rabadi has subjected his technician license to discipline under  
18    Health and Safety Code section 44072.2, subdivision (c), in that on or about March 15, 2007,  
19    regarding the vehicles set forth in Table 3, above, he violated sections of the California Code of  
20    Regulations, title 16, as follows:

21                  a.     **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
22    fraudulently issued the electronic certificates of compliance for those vehicles without  
23    performing bona fide inspections of the emission control devices and systems on those vehicles  
24    as required by Health and Safety Code section 44012.

25                  b.     **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
26    and test those vehicles in accordance with Health and Safety Code section 44012.

27                  c.     **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
28    information into the EIS for the electronic certificates of compliance for those vehicles by

1 entering vehicle identification information or emission control information for vehicles other  
2 than the vehicles being tested.

3 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
4 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

5 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

6 **(Dishonesty, Fraud or Deceit)**

7 40. Respondent Rabadi has subjected his technician license to discipline under  
8 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 15, 2007, he  
9 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
10 electronic certificates of compliance for the vehicles set forth in Table 3, above, without  
11 performing bona fide inspections of the emission control devices and systems on those vehicles,  
12 thereby depriving the People of the State of California of the protection afforded by the Motor  
13 Vehicle Inspection Program.

14 **SURVEILLANCE OPERATION - MARCH 19, 2007**

15 41. On or about March 19, 2007, the Bureau performed a videotaped  
16 surveillance at Respondent Amigos's facility. The surveillance operation and information  
17 obtained from the Bureau's VID revealed that between approximately 1458 hours and 1537  
18 hours, Respondent Rabadi performed three (3) smog inspections that resulted in the issuance of  
19 electronic certificates of compliance, certifying that he had tested and inspected the vehicles set  
20 forth in Table 4, below, and that those vehicles were in compliance with applicable laws and  
21 regulations. In fact, Respondent Rabadi performed the smog inspections using the clean piping  
22 method by using the tail pipe emissions of vehicles other than the vehicles being certified in  
23 order to issue the certificates of compliance.

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**Table 4**

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
3/19/2007 1458 hours to 1507 hours	1996 Oldsmobile Achieva Lic. No. 5EDC973	Chevrolet S-10 pickup	VF537867C
3/19/2007 1516 hours to 1523 hours	1989 GMC C2500 Sierra Lic. No. 3Z69296	Lexus GS300	VF537868C
3/19/2007 1528 hours to 1537 hours	1998 Toyota Corolla Lic. No. 4DVD644	Chevrolet SUV	VF537869C

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

42. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about March 19, 2007, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued the electronic certificates of compliance for the vehicles set forth in Table 4, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, the vehicles had been clean piped.

**TWENTY-SIXTH CAUSE FOR DISCIPLINE**

**(Fraud)**

43. Respondent Amigos has subjected his registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about March 19, 2007, he committed acts which constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in Table 4, above, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

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1                                   **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

2                                   **(Violation of the Motor Vehicle Inspection Program)**

3                   44.     Respondent Amigos has subjected his station license to discipline under  
4     Health and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007,  
5     regarding the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

6                   a.     **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
7     emission control tests on those vehicles in accordance with procedures prescribed by the  
8     department.

9                   b.     **Section 44015, subdivision (b):** Respondent Amigos issued the  
10    electronic certificates of compliance for those vehicles without properly testing and inspecting  
11    the vehicles to determine if they were in compliance with section 44012 of that Code.

12                  c.     **Section 44059:** Respondent Amigos willfully made false entries for the  
13    electronic certificates of compliance by certifying that those vehicles had been inspected as  
14    required when, in fact, they had not.

15                                   **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

16                                   **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

17                  45.     Respondent Amigos has subjected his station license to discipline under  
18    Health and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007,  
19    regarding the vehicles set forth in Table 4, above, he violated sections of the California Code of  
20    Regulations, title 16, as follows:

21                  a.     **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
22    fraudulently issued the electronic certificates of compliance for those vehicles without  
23    performing bona fide inspections of the emission control devices and systems on those vehicles  
24    as required by Health and Safety Code section 44012.

25                  b.     **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
26    electronic certificates of compliance for those vehicles even though the vehicles had not been  
27    inspected in accordance with section 3340.42 of that Code.

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1 c. **Section 3340.42:** Respondent Amigos failed to conduct the required  
2 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

3 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud or Deceit)**

5 46. Respondent Amigos has subjected his station license to discipline under  
6 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007,  
7 regarding the vehicles set forth in Table 4, above, he committed acts involving dishonesty, fraud  
8 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
9 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
11 Inspection Program.

12 **THIRTIETH CAUSE FOR DISCIPLINE**

13 **(Violations of the Motor Vehicle Inspection Program)**

14 47. Respondent Rabadi has subjected his technician license to discipline under  
15 Health and Safety Code section 44072.2, subdivision (a), in that on or about March 19, 2007,  
16 regarding the vehicles set forth in Table 4, above, he violated sections of that Code, as follows:

17 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
18 emission control tests on those vehicles in accordance with procedures prescribed by the  
19 department.

20 b. **Section 44032:** Respondent Rabadi failed to perform tests of the  
21 emission control devices and systems on those vehicles in accordance with section 44012 of that  
22 Code, in that the vehicles had been clean piped.

23 c. **Section 44059:** Respondent Rabadi willfully made false entries for the  
24 electronic certificates of compliance by certifying that those vehicles had been inspected as  
25 required when, in fact, they had not.

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1 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 48. Respondent Rabadi has subjected his technician license to discipline under  
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about March 19, 2007,  
5 regarding the vehicles set forth in Table 4, above, he violated sections of the California Code of  
6 Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
8 fraudulently issued the electronic certificates of compliance for those vehicles without  
9 performing bona fide inspections of the emission control devices and systems on those vehicles  
10 as required by Health and Safety Code section 44012.

11 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
12 and test those vehicles in accordance with Health and Safety Code section 44012.

13 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
14 information into the EIS for the electronic certificates of compliance for those vehicles by  
15 entering vehicle identification information or emission control information for vehicles other  
16 than the vehicles being tested.

17 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
18 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

19 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 49. Respondent Rabadi has subjected his technician license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (d), in that on or about March 19, 2007, he  
23 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing the  
24 electronic certificates of compliance for the vehicles set forth in Table 4, above, without  
25 performing bona fide inspections of the emission control devices and systems on those vehicles,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

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1                                   **SURVEILLANCE OPERATION - APRIL 16, 2007**

2                   50.     On or about April 16, 2007, the Bureau performed a videotaped  
3 surveillance at Respondent Amigos's facility. The surveillance operation and information  
4 obtained from the Bureau's VID revealed that between approximately 0943 hours and 1011  
5 hours, Respondent Rabadi performed two (2) smog inspection one inspection resulting in the  
6 issuance of electronic Certificate of Compliance No. VF902130C for a 1989 Ford F250,  
7 California License Plate No. 5N36993, certifying that he had tested and inspected the vehicle and  
8 the vehicle was in compliance with applicable laws and regulations. In fact, Respondent Rabadi  
9 performed that smog inspection using the clean piping method by using the tail pipe emissions of  
10 a Chevrolet Caprice in order to issue the certificate of compliance. Respondent Rabadi  
11 performed the second smog inspection of a 1988 Chevrolet S-10 pickup, California License Plate  
12 No. 3P32366, using the tailpipe emissions of a Lexus GD300; however, no electronic certificate  
13 of compliance was issued for that vehicle. Neither of the vehicles were in the test bay at the time  
14 the inspections were performed.

15                                   **THIRTY-THIRD CAUSE FOR DISCIPLINE**

16   **(Misleading Statements)**

17                   51.     Respondent Amigos has subjected his registration to discipline under Code  
18 section 9884.7, subdivision (a)(1), in that on or about April 16, 2007, he made statements which  
19 he knew or which by exercise of reasonable care he should have known were untrue or  
20 misleading when he issued electronic Certificate of Compliance No. VF902130C for the 1989  
21 Ford F250, certifying that the vehicle was in compliance with applicable laws and regulations  
22 when, in fact, the vehicle had been clean piped.

23                                   **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

24   **(Fraud)**

25                   52.     Respondent Amigos has subjected his registration to discipline under Code  
26 section 9884.7, subdivision (a)(4), in that on or about April 16, 2007, he committed acts which  
27 constitute fraud by issuing electronic Certificate of Compliance No. VF902130C for the 1989  
28 Ford F250 without performing a bona fide inspection of the emission control devices and

1 systems on that vehicle, thereby depriving the People of the State of California of the protection  
2 afforded by the Motor Vehicle Inspection Program.

3 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Violation of the Motor Vehicle Inspection Program)**

5 53. Respondent Amigos has subjected his station license to discipline under  
6 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he  
7 violated sections of that Code, as follows:

8 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
9 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with  
10 procedures prescribed by the department.

11 b. **Section 44015, subdivision (b):** Respondent Amigos issued electronic  
12 Certificate of Compliance No. VF902130C for the 1989 Ford F250 without properly testing and  
13 inspecting the vehicle to determine if it was in compliance with section 44012 of that Code.

14 c. **Section 44059:** Respondent Amigos willfully made false entries for  
15 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had  
16 been inspected as required when, in fact, it had not.

17 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

19 54. Respondent Amigos has subjected his station license to discipline under  
20 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he  
21 violated sections of the California Code of Regulations, title 16, as follows:

22 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
23 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250  
24 without performing a bona fide inspection of the emission control devices and systems on that  
25 vehicle as required by Health and Safety Code section 44012.

26 b. **Section 3340.35, subdivision (c):** Respondent Amigos issued electronic  
27 Certificate of Compliance No. VF902130C for the 1989 Ford F250 even though the vehicle had  
28 not been inspected in accordance with section 3340.42 of that Code.

1 c. **Section 3340.42:** Respondent Amigos failed to conduct the required  
2 smog tests and inspections on the 1989 Ford F250 and 1988 Chevrolet S10 in accordance with  
3 the Bureau's specifications.

4 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Dishonesty, Fraud or Deceit)**

6 55. Respondent Amigos has subjected his station license to discipline under  
7 Health and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007,  
8 regarding the 1989 Ford F250, he committed acts involving dishonesty, fraud or deceit whereby  
9 another was injured by issuing electronic Certificate of Compliance No. VF902130C for that  
10 vehicle when, in fact, the vehicle had not been properly tested and inspected, thereby depriving  
11 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
12 Program.

13 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Motor Vehicle Inspection Program)**

15 56. Respondent Rabadi has subjected his technician license to discipline under  
16 Health and Safety Code section 44072.2, subdivision (a), in that on or about April 16, 2007, he  
17 violated sections of that Code, as follows:

18 a. **Section 44012, subdivision (f):** Respondent Rabadi failed to perform  
19 emission control tests on the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with  
20 procedures prescribed by the department.

21 b. **Section 44032:** Respondent Rabadi failed to perform tests of the  
22 emission control devices and systems on the 1989 Ford F250 and the 1988 Chevrolet S10 in  
23 accordance with section 44012 of that Code, in that the vehicles had been clean piped.

24 c. **Section 44059:** Respondent Rabadi willfully made false entries for  
25 electronic Certificate of Compliance No. VF902130C by certifying that the 1989 Ford F250 had  
26 been inspected as required when, in fact, it had not.

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1 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 57. Respondent Rabadi has subjected his technician license to discipline under  
4 Health and Safety Code section 44072.2, subdivision (c), in that on or about April 16, 2007, he  
5 violated sections of the California Code of Regulations, title 16, as follows:

6 a. **Section 3340.24, subdivision (c):** Respondent Rabadi falsely or  
7 fraudulently issued electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250  
8 without performing a bona fide inspection of the emission control devices and systems on that  
9 vehicle as required by Health and Safety Code section 44012.

10 b. **Section 3340.30, subdivision (a):** Respondent Rabadi failed to inspect  
11 and test the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance with Health and Safety  
12 Code section 44012.

13 c. **Section 3340.41, subdivision (c):** Respondent Rabadi entered false  
14 information into the EIS for electronic Certificate of Compliance No. VF902130C for the 1989  
15 Ford F250 by entering vehicle identification information or emission control information for a  
16 vehicle other than the vehicle being tested.

17 d. **Section 3340.42:** Respondent Rabadi failed to conduct the required  
18 smog tests and inspections of the 1989 Ford F250 and the 1988 Chevrolet S10 in accordance  
19 with the Bureau's specifications.

20 **FORTIETH CAUSE FOR DISCIPLINE**

21 **(Dishonesty, Fraud or Deceit)**

22 58. Respondent Rabadi has subjected his technician license to discipline under  
23 Health and Safety Code section 44072.2, subdivision (d), in that on or about April 16, 2007, he  
24 committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
25 electronic Certificate of Compliance No. VF902130C for the 1989 Ford F250 without  
26 performing a bona fide inspection of the emission control devices and systems on that vehicle,  
27 thereby depriving the People of the State of California of the protection afforded by the Motor  
28 Vehicle Inspection Program.



1 **SURVEILLANCE OPERATION - OCTOBER 10, 2007**

2 59. On or about October 10, 2007, the Bureau performed a videotaped  
3 surveillance at Respondent Amigos's facility. The surveillance operation and information  
4 obtained from the Bureau's VID revealed that between approximately 1501 hours and 1533  
5 hours, Respondent Hannoush performed three (3) smog inspections that resulted in the issuance  
6 of electronic certificates of compliance, certifying that he had tested and inspected the vehicles  
7 set forth in Table 5, below, and that those vehicles were in compliance with applicable laws and  
8 regulations. In fact, Respondent Hannoush performed the smog inspections using the clean  
9 piping method by using the tail pipe emissions of vehicles other than the vehicles being certified  
10 in order to issue the certificates of compliance.

11 **Table 5**

12

<b>Date and Test Times</b>	<b>Vehicle Certified</b>	<b>Vehicle Actually Tested</b>	<b>Cert Issued</b>
10/10/2007 1512 hours to 1518 hours	1998 Lincoln Navigator Lic. No. 5TQJ347	2000 Ford Explorer	MU990192C

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16 **FORTY-FIRST CAUSE FOR DISCIPLINE**

17 **(Misleading Statements)**

18 60. Respondent Amigos has subjected his registration to discipline under Code  
19 section 9884.7, subdivision (a)(1), in that on or about October 10, 2007, he made statements  
20 which he knew or which by exercise of reasonable care he should have known were untrue or  
21 misleading when he issued the electronic certificates of compliance for the vehicles set forth in  
22 Table 5, above, certifying that those vehicles were in compliance with applicable laws and  
23 regulations when, in fact, the vehicles had been clean piped.

24 **FORTY-SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 61. Respondent Amigos has subjected his registration to discipline under Code  
27 section 9884.7, subdivision (a)(4), in that on or about October 10, 2007, he committed acts which  
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1 constitute fraud by issuing the electronic certificates of compliance for the vehicles set forth in  
2 Table 5, above, without performing bona fide inspections of the emission control devices and  
3 systems on those vehicles, thereby depriving the People of the State of California of the  
4 protection afforded by the Motor Vehicle Inspection Program.

5 **FORTY-THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 62. Respondent Amigos has subjected his station license to discipline under  
8 Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10, 2007,  
9 regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as follows:

10 a. **Section 44012, subdivision (f):** Respondent Amigos failed to perform  
11 emission control tests on those vehicles in accordance with procedures prescribed by the  
12 department.

13 b. **Section 44015, subdivision (b):** Respondent Amigos issued the  
14 electronic certificates of compliance for those vehicles without properly testing and inspecting  
15 the vehicles to determine if they were in compliance with section 44012 of that Code.

16 c. **Section 44059:** Respondent Amigos willfully made false entries for the  
17 electronic certificates of compliance by certifying that those vehicles had been inspected as  
18 required when, in fact, they had not.

19 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

21 63. Respondent Amigos has subjected his station license to discipline under  
22 Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10, 2007,  
23 regarding the vehicles set forth in Table 5, above, he violated sections of the California Code of  
24 Regulations, title 16, as follows:

25 a. **Section 3340.24, subdivision (c):** Respondent Amigos falsely or  
26 fraudulently issued the electronic certificates of compliance for those vehicles without  
27 performing bona fide inspections of the emission control devices and systems on those vehicles  
28 as required by Health and Safety Code section 44012.

1                   b.     **Section 3340.35, subdivision (c):** Respondent Amigos issued the  
2 electronic certificates of compliance for those vehicles even though the vehicles had not been  
3 inspected in accordance with section 3340.42 of that Code.

4                   c.     **Section 3340.42:** Respondent Amigos failed to conduct the required  
5 smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

6                             **FORTY-FIFTH CAUSE FOR DISCIPLINE**

7                                     **(Dishonesty, Fraud or Deceit)**

8                   64.     Respondent Amigos has subjected his station license to discipline under  
9 Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10, 2007,  
10 regarding the vehicles set forth in Table 5, above, he committed acts involving dishonesty, fraud  
11 or deceit whereby another was injured by issuing the electronic certificates of compliance for  
12 those vehicles when, in fact, the vehicles had not been properly tested and inspected, thereby  
13 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
14 Inspection Program.

15                             **FORTY-SIXTH CAUSE FOR DISCIPLINE**

16                                     **(Violations of the Motor Vehicle Inspection Program)**

17                   65.     Respondent Hannoush has subjected his technician license to discipline  
18 under Health and Safety Code section 44072.2, subdivision (a), in that on or about October 10,  
19 2007, regarding the vehicles set forth in Table 5, above, he violated sections of that Code, as  
20 follows:

21                   a.     **Section 44012, subdivision (f):** Respondent Hannoush failed to perform  
22 emission control tests on those vehicles in accordance with procedures prescribed by the  
23 department.

24                   b.     **Section 44032:** Respondent Hannoush failed to perform tests of the  
25 emission control devices and systems on those vehicles in accordance with section 44012 of that  
26 Code, in that the vehicles had been clean piped.

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1 c. **Section 44059:** Respondent Hannoush willfully made false entries for the  
2 electronic certificates of compliance by certifying that those vehicles had been inspected as  
3 required when, in fact, they had not.

4 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

6 66. Respondent Hannoush has subjected his technician license to discipline  
7 under Health and Safety Code section 44072.2, subdivision (c), in that on or about October 10,  
8 2007, regarding the vehicles set forth in Table 5, above, he violated sections of the California  
9 Code of Regulations, title 16, as follows:

10 a. **Section 3340.24, subdivision (c):** Respondent Hannoush falsely or  
11 fraudulently issued the electronic certificates of compliance for those vehicles without  
12 performing bona fide inspections of the emission control devices and systems on those vehicles  
13 as required by Health and Safety Code section 44012.

14 b. **Section 3340.30, subdivision (a):** Respondent Hannoush failed to  
15 inspect and test those vehicles in accordance with Health and Safety Code section 44012.

16 c. **Section 3340.41, subdivision (c):** Respondent Hannoush entered false  
17 information into the EIS for the electronic certificates of compliance for those vehicles by  
18 entering vehicle identification information or emission control information for vehicles other  
19 than the vehicles being tested.

20 d. **Section 3340.42:** Respondent Hannoush failed to conduct the required  
21 smog tests and inspections of those vehicles in accordance with the Bureau's specifications.

22 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Dishonesty, Fraud or Deceit)**

24 67. Respondent Hannoush has subjected his technician license to discipline  
25 under Health and Safety Code section 44072.2, subdivision (d), in that on or about October 10,  
26 2007, he committed acts involving dishonesty, fraud or deceit whereby another was injured by  
27 issuing the electronic certificates of compliance for the vehicles set forth in Table 5, above,  
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
2 Motor Vehicle Inspection Program.

3 **OTHER MATTERS**

4 68. Under Code section 9884.7, subdivision (c), the director may invalidate  
5 temporarily or permanently or refuse to validate, the registrations for all places of business  
6 operated in this state by Samer G. Zait, doing business as Amigos Test Only, upon a finding that  
7 he has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
8 pertaining to an automotive repair dealer.

9 69. Under Health & Safety Code section 44072.8, if Smog Check Test Only  
10 Station License Number TC 248720, issued to Samer G. Zait, doing business as Amigos Test  
11 Only, is revoked or suspended, any additional license issued under this chapter including, but not  
12 limited to Advanced Emission Specialist Technician License Number 152388, issued to  
13 Samer George Zait may be likewise revoked or suspended by the director.

14 70. Under Health and Safety Code section 44072.8, if Advanced Emission  
15 Specialist Technician License Number EA 149714, issued to Hazim Bassam Rabadi, is revoked  
16 or suspended, any additional license issued under this chapter in the name of said licensee may  
17 be likewise revoked or suspended by the director.

18 71. Under Health and Safety Code section 44072.8, if Advanced Emission  
19 Specialist Technician License Number EA 143599, issued to Elias Hanna Hannoush, is revoked  
20 or suspended, any additional license issued under this chapter, including, but not limited to Smog  
21 Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush may be  
22 likewise revoked or suspended by the director.

23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
25 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

26 1. Temporarily or permanently invalidating Automotive Repair Dealer  
27 Registration Number AC 248720, issued to Samer G. Zait doing business as Amigos Test Only;

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- 1                   2.       Temporarily or permanently invalidating any other automotive repair
- 2 dealer registration issued to Samer G. Zait doing business as Amigos Test Only;
- 3                   3.       Revoking or suspending Smog Check Test Only Station License Number
- 4 TC 248720, issued to Samer G. Zait doing business as Amigos Test Only;
- 5                   4.       Revoking or suspending any additional license issued under Chapter 5 of
- 6 the Health & Safety Code in the name of Samer G. Zait doing business as Amigos Test Only;
- 7                   5.       Revoking or suspending Advanced Emission Specialist Technician
- 8 License Number EA 152388, issued to Samer George Zait;
- 9                   6.       Revoking or suspending any additional license issued under Chapter 5 of
- 10 the Health & Safety Code in the name of Samer George Zait;
- 11                   7.       Revoking or suspending Advanced Emission Specialist Technician
- 12 License Number EA 149714, issued to Hazim Bassam Rabadi;
- 13                   8.       Revoking or suspending any additional license issued under Chapter 5 of
- 14 the Health & Safety Code in the name of Hazim Bassam Rabadi;
- 15                   9.       Revoking or suspending Advanced Emission Specialist Technician
- 16 License Number EA 143599, issued to Elias Hanna Hannoush;
- 17                   10.      Revoking or suspending any additional license issued under Chapter 5 of
- 18 the Health & Safety Code in the name of Elias Hanna Hannoush including, but not limited to
- 19 Smog Check Test Only Station License Number TC 252437, issued to Elias Hanna Hannoush;
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11. Ordering Samer G. Zait, Hazim Bassam Rabadi, and Elias Hanna  
Hannoush to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
enforcement of this case, pursuant to Code section 125.3; and,

12. Taking such other and further action as deemed necessary and proper.

DATED: 9-18-08

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant